

AGENDA ITEM EXECUTIVE SUMMARY: Proposed Revisions to the Procedures for Reviewing Complaints

Issue

The proposed complaint procedure codifies current practice and the complaint process as indicated in Arizona Administrative Code R7-5-507. Appendix A: R7-5-507.

Background

A.R.S. §15-182(E)(1) requires the Board to exercise general supervision over the charter schools that it sponsors. When a complainant contacts the Arizona State Board for Charter Schools (Board) with a complaint against a school sponsored by the Board, the Board's primary goal when reviewing the complaint is to determine whether the school is in compliance with its charter, as it pertains to the complaint filed.

Procedure

The document outlining the procedures for reviewing complaints is included in Appendix B: Procedures for Reviewing Complaints.

In summary, the Charter Board's complaint procedure as proposed is as follows:

1. The Board requests that the complainant first work with the school and charter leadership to resolve the issue.
2. Upon receiving a complaint, Board staff will determine if the Board is the appropriate entity to review the complaint.
 - a. If the complaint is not within the Board's authority, staff will send the complaint to the charter holder for informational purposes in which no response by the charter holder is required. Staff will inform complainant of another entity that may have authority.
 - b. If the complaint is within the Board's authority, staff will send the complaint to the charter representative and request a response to each of the concerns outlined within the complaint. Board staff shall review the complaint and the charter holder's response and any additional information requested to determine whether a violation of the charter, other contractual agreements with the Board, or applicable law can be substantiated.
 - c. The Board's Executive Director, in consultation with the President of the Board, as appropriate, shall consider the seriousness of the allegations, the information presented by the complainant and the charter holder, and the charter holder's willingness to resolve any alleged non-compliance to determine whether to place the charter holder on an agenda for the Board to determine whether the charter holder is in compliance with the charter, other contractual agreements with the Board, and applicable law. [R7-5-507(D)].
3. Board staff may consult with another agency with particular expertise relating to a complaint.
4. If the complaint is deemed substantiated, the noncompliance issue will be recorded in the charter holder's Operational Performance Dashboard and the complaint will be retained in the charter's file pursuant to the Board's retention policy.

Appendix A:
R7-5-507

Historical Note

New Section made by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1).

R7-5-507. Complaints

- A.** To make a complaint regarding a charter holder, a person shall submit to the Board a document through ASBCS Online that:
1. Alleges with particularity the charter holder is not in compliance with its charter, other contractual agreements with the Board, federal or state law, or this Chapter;
 2. Includes a statement of the facts on which the allegation of violation is based; and
 3. Includes supporting evidence, if available.
- B.** Board staff shall review the complaint to determine whether the complaint is within the Board's jurisdiction.
1. If Board staff determines the complaint is not within the Board's jurisdiction but may be within the jurisdiction of another agency, Board staff shall inform the complainant of the agency that has jurisdiction and that the complainant may file the complaint with the appropriate agency; or
 2. If Board staff determines the complaint is within the Board's jurisdiction, Board staff shall, within five days after receiving the complaint, send a copy to the charter holder complained against.
- C.** A charter holder complained against shall, within 10 days after receiving a copy of the complaint provided under subsection (B)(2), provide a written response to the Board that addresses each allegation, the statement of facts, and supporting evidence in the complaint. The charter holder may include evidence of compliance with the response. Board staff may grant the charter holder an extension to submit the written response.
- D.** Board staff shall review the complaint and the charter holder's response to determine whether a violation of the charter, other contractual agreements with the Board, federal or state law, or this Chapter can be substantiated. Board staff shall conduct further investigation if additional information is needed. Board staff may place the charter holder on an agenda for the Board to determine whether the charter holder is in compliance with the charter, other contractual agreements with the Board, federal and state law, and this Chapter.
- E.** Within 10 days after receiving the charter holder's response under subsection (C), Board staff shall send:
1. The complainant a copy of the response, and
 2. The complainant and charter holder notice of the final action to be taken.

Historical Note

New Section made by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1).

R7-5-508. Demonstration of Sufficient Progress towards Minimum Academic Performance Expectations

- A.** The Board shall require a charter holder to demonstrate the charter holder is making sufficient progress towards achieving the minimum academic performance expectations if:
1. The Board determines under R7-5-401(D) the charter holder does not meet the minimum academic performance expectations; or
 2. A charter school operated by the charter holder is assigned a letter grade of "F" by the Department.
- B.** Within 30 days after issuing overall ratings, the Board shall provide the charter holder with a written notification of the charter holder's progress toward meeting the minimum academic performance expectations.
- C.** If a charter school operated by a charter holder receives an overall rating of "does not meet" or "falls far below" for three

consecutive years, the Board shall conclude the charter holder has failed to demonstrate sufficient progress.

- D.** If the Board concludes a charter holder has failed to demonstrate sufficient progress, the charter holder may be subject to charter oversight as specified in Article 6.

Historical Note

New Section made by final rulemaking at 23 A.A.R. 693, effective May 6, 2017 (Supp. 17-1).

R7-5-509. Financial Performance Response

- A.** The Board shall require a charter holder to prepare a financial performance response if the Board determines under R7-5-402(E) the charter holder does not meet the minimum financial performance expectations at one of the times specified in R7-5-402(A)(2)(a)-(e).
- B.** Board staff shall provide written notice to a charter holder that is required to submit a financial performance response. Board staff shall ensure the notice includes the following:
1. Information on how to access the charter holder's financial performance dashboard, and
 2. The deadline for submitting the financial performance response to the Board.
- C.** For each measure for which a charter holder received a "does not meet standard" or "falls far below standard" during the most recent audited fiscal year presented in the financial performance dashboard and by the deadline specified in subsection (B)(2), the charter holder shall:
1. Explain why the charter holder failed to meet the measure's target in the audited fiscal year,
 2. Explain the charter holder's effort to improve its performance so it is possible to meet the measure's target in the next fiscal year or a subsequent fiscal year, and
 3. Provide evidence that supports the charter holder's explanation and analysis under subsections (C)(1) and (2).
- D.** Within 60 days after receiving a financial performance response or when the five-year interval review is closed out for a financial performance response submitted as part of a five-year interval review, Board staff shall provide the charter holder with written notice that the response is acceptable or not acceptable. Board staff shall find a financial performance response acceptable if it includes the explanations and evidence required under subsection (C).
- E.** If Board staff finds a financial performance response is not acceptable, the Board shall allow the charter holder to supplement the financial performance response if the charter holder is in a process that requires the financial performance response to be considered at a Board meeting.
- F.** If the Board allows a charter holder to supplement a financial performance response under subsection (E), Board staff shall:
1. Include the deadline for submitting the supplemented financial performance response in the notice provided under subsection (D); and
 2. Find the supplemented financial performance response acceptable if it includes the explanations and evidence required under subsection (C).
- G.** Board staff shall include the supplemented financial performance response and the determination made under subsection (F)(2) in the meeting materials provided to the Board. The supplemented financial performance response and the Board's final determination shall be posted on ASBCS Online.
- H.** If a charter holder fails to submit or fails to submit timely a required financial performance response, the failure shall be noted in the charter holder's operational performance dashboard posted on ASBCS Online.

Historical Note

New Section made by final rulemaking at 23 A.A.R. 693,

Appendix B:
Procedures for Reviewing
Complaints

Procedures for Reviewing Complaints

Purpose

When a complainant contacts the Arizona State Board for Charter Schools (Board) with a complaint against a school sponsored by the Board, the Board's primary goal is to determine whether the school is in compliance with its charter, as it pertains to the complaint filed.

Authority

A.R.S. §15-182(E)(1) requires the Board to exercise general supervision over the charter schools that it sponsors.

Policy

Before contacting the Board, the Board recommends the complainants should follow these steps:

1. Review the [Parent FAQ](#) or [School Employee FAQ](#) tabs on the Board's website for information pertaining to particular issues.
2. Ask for and follow the school's complaint process.
3. Contact the school's governing body, if the school did not respond to the complaint or appears to be unwilling to assist in resolving the issue in a timely manner.

Pursuant to Arizona Administrative Code R7-5-507(A), all complaints submitted to the Board shall be submitted through the Board's online system, ASBCS Online. A complaint shall:

1. Allege with particularity the charter holder is not in compliance with its charter, other contractual agreements with the Board, or applicable law or rule;
2. Include a statement of facts on which the allegation of violation is based; and
3. Include supporting evidence, if available.

Information and directions on how to submit a complaint through ASBCS Online can be found on the Board's [website](#). Board staff will assist the complainant to ensure information is submitted appropriately.

Board staff will review and process all complaints in accordance with the oversight responsibilities and jurisdiction of the Board and the policies set forth herein.

Procedures

1. Board staff shall first determine whether a complaint is within the Board's jurisdiction. [R7-5-507(B)]. A complaint is within the Board's jurisdiction if the complaint alleges the charter holder is not in compliance with its charter, other contractual agreements with the Board, state or federal law, Arizona Administrative Code, or any other applicable authority.

- a. If Board staff determines the complaint is not within the Board's jurisdiction but may be within the jurisdiction of another agency, Board staff shall inform the complainant that the Board does not have jurisdiction. Board staff will also inform the complainant regarding the agency that may have jurisdiction and that the complainant may file the complaint with the appropriate agency. Board staff shall also provide the charter holder a copy of the complaint, and inform the charter holder and complainant that a response will not be required by the charter holder.
 - b. If Board staff determines a complaint is not within the jurisdiction of the Board or another agency, staff will inform the complainant that the complaint is not within its jurisdiction. It shall also provide the charter holder a copy of the complaint, and inform the charter holder and complainant that a response will not be required by the charter holder.
 - c. If Board staff determines the complaint may be within the Board's jurisdiction, Board staff shall, within five business days after receiving the complaint, send a copy to the charter holder complained against. If another agency may also have jurisdiction, Board staff shall inform the complainant of the agency that may also have jurisdiction and that the complainant may file a complaint with the appropriate agency.
 - d. In the event that jurisdiction is unclear, Board staff shall request additional information from the complainant and/or the charter holder.
 - e. If Board staff has reason to believe it is more likely than not that the Charter Holder may have violated the law, Board staff may provide the complaint to the Office of the Arizona Attorney General for further investigation, as appropriate.
2. A charter holder complained against shall, within 10 business days after receiving a copy of the complaint provided under R7-5-507(B)(2), provide a written response to the Board that addresses each allegation, the statement of facts, and the supporting evidence in the complaint. The charter holder may include any relevant evidence with its response.
 - a. Board staff may grant the charter holder an extension of time to submit the written response. [R7-5-507(C)]. Charter holders must submit requests for extensions of time to respond to complaints in writing through ASBCS Online.
 - b. If the complaint identifies a potential threat to the health or safety of student(s), Board staff may require the charter holder to respond within 24 hours. Board staff may alert any necessary authorities including the Police Department and/or Child Family Services Agency and may visit the school.
 - c. If the charter holder does not respond timely, the untimely response will be recorded in the charter holder's Operational Performance Dashboard. The Operational Performance Dashboard uses information from a variety of sources, including complaints, to evaluate a charter holder's operational performance based on the Board's Operational Performance Framework. The charter holder's operational performance will be considered by the Board throughout the term of the charter contract including, but not limited to: Renewal, Interval Reviews, Transfer, Replication, and Amendment Requests.
 - i. If the charter holder did not respond timely, Board staff will require the charter holder to respond within 5 days.
3. Board staff shall review the complaint and the charter holder's response to determine whether a violation of the charter, other contractual agreements with the Board, or applicable law can be substantiated. A claim is substantiated, when based on the documentation received, it is more likely than not that a violation of the charter or applicable law occurred.

- a. Board staff shall request that the complainant or school complained against submit additional information. Board staff may conduct further investigation, including a site visit, if additional information is needed. [R7-5-507(D)].
 - b. Board staff may further consult with another agency with particular expertise relating to a complaint.
 - c. The Board's Executive Director, in consultation with the President of the Board, as appropriate, shall consider the seriousness of the allegations, the information presented by the complainant and the charter holder, and the charter holder's willingness to resolve any alleged non-compliance to determine whether to place the charter holder on an agenda for the Board to determine whether the charter holder is in compliance with the charter, other contractual agreements with the Board, and applicable law. [R7-5-507(D)].
4. Pursuant to R7-5-507(E), within 10 business days after receiving the charter holder's response, Board staff shall send:
 - a. The complainant a copy of the charter school's response; and
 - b. The complainant and charter holder notice of the final action to be taken; or
 - c. The complainant notice that the Board will continue to review the complaint pursuant to Paragraph 3 of this procedure.
5. The Board considers a complaint "closed" when:
 - a. The complaint is deemed substantiated, the charter has had an opportunity to respond, and the charter holder has documented that it has made a good faith effort to address the concern;
 - b. The complaint is deemed unsubstantiated by Board staff; or
 - c. The Board has made a final determination as to the complaint.
6. If the complaint is deemed substantiated, the noncompliance issue will be recorded in the charter holder's Operational Performance Dashboard.
7. If at a later date, the charter or complainant has additional information to provide to a closed complaint, Board staff shall accept the information and conduct a review, as appropriate.
8. After all complaints have been reviewed and closed, the complaint documents are retained in accordance with the Board's retention policy. Please note: Complaint documents containing information that is confidential under state or federal law will be redacted (e.g. student identifying information, social security numbers, bank account numbers, etc.) before placed in the charter holder's public file. Any original, unredacted documents will be maintained in the Board's confidential files that are not open to the public.

Historical Note:

Effective: DATE

Board Approval Date: DATE